

**REMARKS**

Claims 4, 5, and 12-17 are currently pending in this application, and claims 4, 5, 12-14, and 17 have been amended herein. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

**I. Claim Rejection – 35 U.S.C. § 101**

Claim 13 stands rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Withdrawal of this rejection is respectfully requested in view of the herein amendment to this claim.

**II. Claim Rejection – 35 U.S.C. § 112**

Claims 4-5, and 12-17 stand objected to under 35 U.S.C. §112 as being indefinite. The herein amendments are believed to cure any perceived indefiniteness, and withdrawal of this objection is requested.

**2.) Claim Rejections – 35 U.S.C. § 103**

Claims 4, and 12-17 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of by U.S. Patent No. 6,700,902 issued to Meyer (hereinafter "Meyer"). This rejection should be withdrawn for at least the following reasons.

The claimed subject matter provides for efficient data transmission in a wireless voice-over-data communication system, thereby reducing latency associated with such communication system. Specifically, this is achieved by defining a minimum segment size and a maximum segment size, thereby allowing both larger and smaller segments to be transmitted as data becomes available for transmission. This minimizes problems of latency caused by discontinuous transmission of data awaiting to be transmitted in a queue. In prior art systems, data was not transmitted until a predetermined queue size was met. A relatively large amount of time could transpire before enough data filled queue with enough data to satisfy the predetermined minimum segment size. Therefore, relatively large delays could be introduced into the transmission of time-sensitive data. The present invention minimizes this latency by using a two size segment approach. The minimum segment size allows TCP segments to be generated more quickly, thus at a more regular rate. Vocoder frames awaiting transmission in the queue are transmitted more quickly due to the smaller amount of data needed to create a

segment. A second advantage of the two segment size approach is that larger segments can be transmitted when a large amount of data is generated and stored in queue. In this case, segments are created having a segment size equal to the maximum segment size. This allows more efficient processing and reduces the overhead associated with generating many TCP segments.

More particularly, independent claim 4 (and similarly independent claims 12, 13, 14, and 17) recite ...generating a first segment of time-sensitive information if sufficient quantity of the time-sensitive information is available for transmission, *the first segment of time-sensitive information having a segment size between a pre-defined minimum segment size and a pre-defined maximum segment size, the first segment size is pre-stored in a memory of a transmitter*; and generating a second segment of time sensitive information having a segment size less than or equal to the pre-defined maximum segment size upon receipt of an acknowledgment message from a receiver, *wherein the first segment size is different from the second segment size, and the second segment size is negotiated between the transmitter and a receiver prior to start of communications.*

Meyer does not teach or suggest such claimed two segment size approach. This reference generally discloses a process regarding how data packets are transferred between first and second devices such as devices 10 and 20 of Meyer. In that process, a data packet size is determined and such determination is finished if the device receiving data sends an acknowledgement to the other device indicating it has received such data associated with a particular determined data packet size. *Column 13, lines 13 – 35.* After the acknowledgment is received and there is still additional data to be transferred, the additional data “is transferred at the same data packet size until all the data has been delivered.” *Column 13, lines 36 – 43.*

In view of at least the foregoing comments, it is readily apparent that Meyer does not make obvious the subject matter recited in claims 4, and 12-17. This rejection should be withdrawn.

Claim 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Meyer in view of U.S. Patent No. 6,434,140 issued to Barany et al. (hereinafter “Barany”). Claim 5 depends from independent claim 4, which is believed to be patentable, and thus it should also be non-obvious and patentably distinguishable over the cited prior art references.

**CONCLUSION**

Claims 4-5 and 12-17 are presently standing in this patent application. In view of the foregoing remarks, applicants' representative believes all of claims currently pending in this patent application are in a condition for allowance. Reconsideration and withdrawal of the rejections are respectfully requested. However, should the Examiner believe that direct contact with Applicants' undersigned representative would advance prosecution of the application, the Examiner is invited to telephone the undersigned at the number given below.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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